

Regular Session, 2010

SENATE BILL NO. 247

BY SENATOR ALARIO

SPECIAL DISTRICTS. Creates and provides for the Esprit at Stonebridge Neighborhood Improvement District. (7/1/10)

AN ACT

To amend and reenact R.S. 33:9080.4, a bill relative to Jefferson Parish; to create the Esprit at Stonebridge Neighborhood Improvement District; to provide for district boundaries, purpose, governance, and funding, including the levy of a parcel fee; to provide relative to the powers and duties of the district and its governing board; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9080.4 is hereby enacted to read as follows:

§9080.4. Esprit at Stonebridge Neighborhood Improvement District

A. Creation. There is hereby created within the parish of Jefferson, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the Esprit at Stonebridge Neighborhood Improvement District, referred to in this Section as the "district." The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

B. Boundaries. The district shall be comprised of the area of Jefferson

1 Parish located between the golf course and Lake Lynn Dr. on the north,
2 excluding Square A 1-B-1 and Square A 2-A1 as shown on said plan, which said
3 plan of subdivision is registered in Clerks of Court, Jefferson Parish Instrument
4 9430198 and 10022867. Manhattan Blvd. is located on the west, the golf course
5 and Bayou Barataria on the south and the Trapp Canal on the east comprises
6 all of the Esprit at Stonebridge Subdivision.

7 C. Purpose. The district is established for the purpose of promoting and
8 encouraging security in the area included within the district and promoting and
9 encouraging the beautification and overall betterment of the district.

10 D. Governance. (1) The district shall be governed by a six-member board
11 of commissioners, referred to in this Section as the "commission," which shall
12 be appointed by the board of directors of the Esprit at Stonebridge
13 Homeowners' Association. These appointed commissioners shall not be
14 members of the Esprit at Stonebridge Homeowners' Association board of
15 directors.

16 (2) All commissioners shall be residents of the district.

17 (3)(a) Commissioners shall serve two-year terms.

18 (b) Any vacancy which occurs prior to the expiration of the terms for a
19 commissioner shall be filled for the remainder of the unexpired term in the
20 same manner as the original appointment. Commissioners shall be eligible for
21 reappointment.

22 (4) The commission shall elect from its members a chairman, a vice
23 chairman, a secretary-treasurer, and such other officers as it may deem
24 necessary. The duties of the officers shall be fixed by the bylaws adopted by the
25 board.

26 (5) The minute books and archives of the district shall be maintained by
27 the secretary-treasurer of the commission. The monies, funds, and accounts of
28 the district shall be in the official custody of the commission.

29 (6) The commission shall adopt such rules, regulations, and bylaws as it

1 deems necessary or advisable for conducting its business affairs. Rules and
2 regulations of the commission relative to the notice and conduct of meetings
3 shall conform to applicable law, including R.S. 42:4.1 et seq., relative to open
4 meetings. The commission shall hold regular meetings as shall be provided for
5 in the bylaws and may hold special meetings at such times and places within the
6 district as may be prescribed in the bylaws.

7 (7) A majority of the members of the commission shall constitute a
8 quorum for the transaction of business. The commission shall keep minutes of
9 all meetings and shall make them available through the secretary-treasurer of
10 the commission.

11 (8) Each member of the commission shall have one vote, and the vote of
12 a majority of the members of the commission present and voting, a quorum
13 being present, shall be required to decide any question upon which the
14 commission takes action.

15 (9) The members of the commission shall serve without compensation
16 but shall be reimbursed for their reasonable out-of-pocket expenses directly
17 related to the governance of the district.

18 E. Powers and Duties. The district, acting through its commission, shall
19 have the following powers and duties:

20 (1) To sue and be sued.

21 (2) To adopt, use, and alter at will a corporate seal.

22 (3) To receive and expend funds collected pursuant to Subsection F of this
23 Section and in accordance with a budget adopted as provided by Subsection H
24 of this Section.

25 (4) To enter into contracts with individuals or entities, private or public.

26 (5) To provide or enhance security patrols in the district, to provide for
27 improved lighting, signage, or matters relating to the security of the district, to
28 provide for the beautification of and improvements for the district, or to
29 provide generally for the overall betterment of the district.

1 (6) To enter into contracts and agreements with one or more other
2 districts for the joint security, improvement, or betterment of all participating
3 districts.

4 (7) To provide for such services and make such expenditures as the
5 board deems proper for the upkeep of the district.

6 (8) To acquire or lease items and supplies which the board deems
7 instrumental to achieving the purposes of the district.

8 (9) To acquire, lease, insure, and sell real property within the boundaries
9 of the district in accordance with district plans.

10 (10) To procure and maintain liability insurance against any personal or
11 legal liability of a commissioner that may be asserted or incurred based upon
12 his service as a member of the commission or that may arise as a result of his
13 actions taken within the scope and discharge of his duties as a member of the
14 commission.

15 (11) To perform or have performed any other function or activity
16 necessary or appropriate to carry out the purposes of the district or for the
17 overall betterment of the district.

18 F. Parcel Fee. The governing authority of Jefferson Parish is hereby
19 authorized to impose and collect a parcel fee within the district subject to and
20 in accordance with the provisions of this Subsection.

21 (1) The amount of the fee shall be as requested by duly adopted
22 resolution of the commission. The fee shall be a flat fee per improved parcel of
23 land not to exceed one hundred dollars per year for each improved parcel for
24 calendar year 2010; however, the maximum may be increased by twenty-five
25 dollars per year for each calendar year after 2010.

26 (2) The fee shall be imposed on each improved parcel located within the
27 district except as provided in Paragraph (4) of this Subsection.

28 (a) For purposes of this Section, "parcel" means a lot, a subdivided
29 portion of ground, an individual tract, or a "condominium parcel" as defined

1 in R.S. 9:1121.103.

2 (b) The owner of each parcel shall be responsible for payment of the fee.

3 (3)(a) The fee shall be imposed only after the question of its imposition
4 has been approved by a majority of the registered voters of the district who vote
5 on the proposition at an election held for that purpose in accordance with the
6 Louisiana Election Code. The amount of the fee may be changed by duly
7 adopted resolution of the commission, not to exceed the maximum amount
8 authorized as provided in this Subsection. No other election shall be required
9 except as provided by this Paragraph.

10 (b) The initial election on the question of the imposition of the fee shall
11 be held at the same time as a regularly scheduled election in Jefferson Parish.

12 (c) If approved, the fee shall expire on December 31, 2014, but the fee
13 may be renewed if approved by a majority of the registered voters of the district
14 voting on the proposition at an election as provided in Subparagraph (a) of this
15 Paragraph. Any election to authorize the renewal of the fee shall be held at the
16 same time as a regularly scheduled election in Jefferson Parish. If the fee is
17 renewed, the term of the imposition of the fee shall be as provided in the
18 proposition authorizing such renewal, not to exceed eight years.

19 (4) No fee shall be imposed upon any parcel whose owner qualified for
20 the special assessment level provided by Article VII, Section 18(G)(1) of the
21 Constitution of Louisiana.

22 (5) The fee shall be collected at the same time and in the same manner
23 as ad valorem taxes on property subject to taxation by the parish are collected.

24 (6) Any parcel fee which is unpaid shall be added to the tax rolls of the
25 parish and shall be enforced with the same authority and subject to the same
26 penalties and procedures as unpaid ad valorem taxes.

27 (7)(a) The proceeds of the fee shall be used solely and exclusively for the
28 purpose and benefit of the district; however, the parish may retain one percent
29 of the amount collected as a collection fee.

1 **(b) The governing authority of Jefferson Parish shall remit to the district**
2 **all amounts collected not more than sixty days after collection.**

3 **G. Additional Contributions. The district is authorized to solicit and**
4 **accept additional voluntary contributions and grants to further the purposes of**
5 **the district.**

6 **H. Budget. (1) The commission shall adopt an annual budget in**
7 **accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et**
8 **seq.**

9 **(2) The district shall be subject to audit by the legislative auditor**
10 **pursuant to R.S. 24:513.**

11 **I. Miscellaneous. It is the purpose and intent of this Section that any**
12 **additional security patrols, public or private, or any other security or other**
13 **services or betterments provided by the district shall be supplemental to and not**
14 **be in lieu of personnel and services to be provided in the district by the state or**
15 **the governing authority of Jefferson Parish or their departments or agencies or**
16 **by other political subdivisions.**

17 **J. Dissolution. (1) The district may be dissolved without the vote of the**
18 **registered voters of the district if a majority of the area covered by the district**
19 **becomes included in another district that serves similar purposes but includes**
20 **additional parcels of property adjacent to the district, if approved by the**
21 **affirmative vote of not less than five members of the commission. If the district**
22 **is dissolved in accordance with this Paragraph, the funds of the district that**
23 **relate to the portion of the district that is included in the new district, together**
24 **with any other funds collected by the governing authority of Jefferson Parish**
25 **pursuant to this Section that relate to such portion of the district, shall be**
26 **transferred to the new district to be used for purposes of the new district. The**
27 **remaining portion of funds, if any, shall be transmitted by the commission to**
28 **the governing authority of Jefferson Parish and such funds shall be used only**
29 **for law enforcement, security, improvement, and beautification purposes of the**

area that was formerly within the district but is not included in the new district.

(2) If the district is dissolved pursuant to Paragraph (1) of this Subsection, the authority for the imposition of the parcel fee provided in Subsection F of this Section shall cease.

K. Indemnification and Exculpation. (1) The district shall indemnify its officers and commissioners to the fullest extent permitted by R.S. 12:227, as fully as if the district were a nonprofit corporation governed thereby, and as may be provided in the district's bylaws.

(2) No commissioner or officer of the district shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of his duties as a commissioner or officer, provided that the foregoing provision shall not eliminate or limit the liability of a commissioner or officer for any of the following:

(a) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.

(b) Any transaction from which he derived an improper personal benefit.

(3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S. 9:2792.1 through 2792.9, a person serving the district as a commissioner or officer shall not be individually liable for any act or omission arising out of the performance of his duties.

Section 2. This Act shall become effective on July 1, 2010.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

DIGEST

Proposed law provides for the creation of the Esprit at Stonebridge Neighborhood Improvement District.

Proposed law provides that the district is established for the purpose of promoting and encouraging security in the area included within the district and promoting and encouraging the beautification and overall betterment of the district.

Proposed law provides that the district shall be governed by a six-member board of commissioners, which shall be appointed by the board of directors of the Esprit at Stonebridge Homeowners Association. These appointed commissioners shall not be members of the Esprit at Stonebridge Homeowners Association board of directors.

Proposed law provides that all commissioners shall be residents of the district. Commissioners shall serve two-year terms. Any vacancy which occurs prior to the expiration of the terms for a commissioner shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Commissioners shall be eligible for reappointment.

Proposed law provides that the commission shall elect from its members a chairman, a vice chairman, a secretary-treasurer, and such other officers as it may deem necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.

Proposed law provides that the minute books and archives shall be maintained by the secretary-treasurer. The monies, funds, and accounts of the district shall be in the official custody of the commission.

Proposed law provides that the commission shall adopt such rules, regulations, and bylaws as it deems necessary or advisable for conducting its business affairs. Rules and regulations of the commission relative to the notice and conduct of meetings shall conform to applicable law, relative to open meetings. The commission shall hold regular meetings as shall be provided for in the bylaws and may hold special meetings at such times and places within the district as may be prescribed in the bylaws.

Proposed law provides that a majority of the members of the commission shall constitute a quorum for the transaction of business. The commission shall keep minutes of all meetings and shall make them available through the secretary-treasurer of the commission.

Proposed law provides that each member of the commission shall have one vote, and the vote of a majority of the members of the commission present and voting, a quorum being present, shall be required to decide any question upon which the commission takes action.

Proposed law provides that the members of the commission shall serve without compensation but shall be reimbursed for their reasonable out-of-pocket expenses.

Proposed law provides that district, shall have the following powers and duties:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds.
- (4) To enter into contracts with individuals or entities, private or public.
- (5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security of the district, to provide for the beautification of and improvements for the district, or to provide generally for the overall betterment of the district.
- (6) To enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of all participating districts.
- (7) To provide for such services and make such expenditures as the board deems proper for the upkeep of the district.

- (8) To acquire or lease items and supplies which the board deems instrumental to achieving the purposes of the district.
- (9) To acquire, lease, insure, and sell real property within the boundaries of the district in accordance with district plans.
- (10) To procure and maintain liability insurance against any personal or legal liability of a commissioner that may be asserted or incurred based upon his service as a member of the commission or that may arise as a result of his actions taken within the scope and discharge of his duties as a member of the commission.
- (11) To perform or have performed any other function or activity necessary or appropriate to carry out the purposes of the district or for the overall betterment of the district.

Proposed law provides that the governing authority of the district is authorized to impose and collect a parcel fee within the district.

Proposed law provides that the amount of the fee shall be as requested by duly adopted resolution of the commission. The fee shall be a flat fee per improved parcel of land not to exceed \$100 per year for each improved parcel for calendar year 2010; however, the maximum may be increased by \$25 per year for each calendar year after 2010.

Proposed law provides that the owner of each parcel shall be responsible for payment of the fee. The fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district who vote on the proposition at an election held for that purpose. The amount of the fee may be changed by duly adopted resolution of the commission, not to exceed the maximum amount authorized.

Proposed law provides that the initial election on the question of the imposition of the parcel fee shall be held at the same time as a regularly scheduled election in the parish of Jefferson. If approved, the fee shall expire on December 31, 2014, but the fee may be renewed if approved by a majority of the registered voters of the district voting on the proposition at an election. Any election to authorize the renewal of the fee shall be held at the same time as a regularly scheduled election in the parish of Jefferson. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed eight years.

Proposed law provides that no parcel fee shall be imposed upon any parcel whose owner qualified for the special assessment level provided by Article VII, Section 18(G)(1) of the Constitution of Louisiana.

Proposed law provides that the parcel fee shall be collected at the same time and in the same manner as ad valorem taxes on property subject to taxation by the parish are collected. Any parcel fee which is unpaid shall be added to the tax rolls of the parish and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. The proceeds of the fee shall be used solely and exclusively for the purpose and benefit of the district; however, the parish may retain one percent of the amount collected as a collection fee.

Proposed law provides that the commission shall adopt an annual budget in accordance with the Louisiana Local Government Budget Act.

Proposed law provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that it is the purpose and intent of this Section that any additional security or other services or betterments provided by the district shall be supplemental to the services to be provided in the district by the governing authority of Jefferson Parish.

Proposed law provides that the district may be dissolved without the vote of the registered voters of the district if a majority of the area covered by the district becomes included in another district that serves similar purposes but includes additional parcels of property adjacent to the district, if approved by the affirmative vote of not less than five members of the commission. If the district is dissolved, the funds of the district that relate to the portion of the district that is included in the new district, together with any other funds collected by the governing authority of Jefferson Parish that relate to such portion of the district, shall be transferred to the new district to be used for purposes of the new district. The remaining portion of funds, if any, shall be transmitted by the commission to the governing authority of Jefferson Parish and such funds shall be used only for law enforcement, security, improvement, and beautification purposes of the area that was formerly within the district but is not included in the new district.

Proposed law provides that the district shall indemnify its officers and commissioners to the fullest extent permitted, as fully as if the district were a nonprofit corporation governed thereby, and as may be provided in the district's bylaws.

Proposed law provides that no commissioner or officer of the district shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of his duties as a commissioner or officer, subject to certain exceptions.

Effective July 1, 2010.

(Adds R.S. 33:9080.4)